

EXHIBIT B



November 27, 2009

Sent via First Class Mail and Email

Pressly M. Millen, Esq.
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Re: *Advanced Internet Technologies, Inc. v. Dell, Inc. and Dell Financial Services, LLC*, No. 5:07 CV 426H (U.S.D.C., E.D.N.C.)

Dear Press:

Please find enclosed AIT's production in compliance with Magistrate Judge Daniel's Order:

(1) A Supplement to the report previously provided in response to Interrogatory No. 2 (a) – (g) with all information for all remaining allegedly faulty computers (AIT 33804 – AIT 34575);

(2) A Supplement to the report previously provided in response to Interrogatory 6 with the information for all contracts alleged to have been cancelled due to the failure of a Dell computer, which shall include customer names (AIT 34578-AIT 35475, AIT 35476 – AIT 35765);

(3) A Verification, including reference to specific answers in previous productions, that what has been produced to Dell is a complete disclosure of AIT's damages.

AIT notes that when it audited the Customer Tickets (AIT 15041-AIT 30551) for all asset failures to be mapped directly to customer damages, it identified more damages than initially claimed in January 2009. Therefore, the report previously provided in response to Interrogatory 6 is reproduced with the additional damages. (AIT 34578-AIT 35475) To assist Dell in assembling the documents, AIT has included in this production a Master Summary of all Documents (AIT 35766 – 371112) that summarizes each Dell OptiPlex's original lease contract, all the failures that machine encountered, the customers that were on the machine for each failure, and the damages claimed for each customer.

Pressly M. Millen, Esq.

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Finally, AIT is supplementing its discovery responses by claiming damages for storing the failed Dell OptiPlex for one year (AIT 15025, AIT 14856 – AIT 14875) and for expenses for advertising its dedicated hosting plans from 2003 through 2005 (AIT 37113 – AIT 37136). These damages are itemized in the Verification of Disclosure of Damages enclosed.

Please let me know if you have any questions about the foregoing.

Sincerely,



Amber A. Corbin

Enclosures: CD AIT 33804 – AIT 37136
Verification of Disclosure of Damages

cc: Byron Saintsing, Esq.

ADVANCED INTERNET TECHNOLOGIES, INC. V. DELL, INC. ET AL

CASE NO. 5:07-426

INDEX OF DOCUMENTS PRODUCED TO DEFENDANTS – 11/27/09

BRIEF IDENTIFICATION OF DOCUMENTS	BATES NUMBER RANGE
Interrogatory 2 Audit Compile	33804-34575
Interrogatory 6 Audit Compile	34576-35475
Interrogatory 6 Customer Addresses	35476-35765
Master summary all documents	35766-37112
2004 Advertising Budget	37113-37114
January – June 2005 Advertising Budget	37115-37131
July – September 2005 Advertising Budget	37132-37134
November 2005 Advertising Budget	37135
December 2005 Advertising Budget	37136

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:07-CV-426-H

ADVANCED INTERNET)
TECHNOLOGIES, INC.)
Plaintiff,)
v.)
DELL, INC. and DELL FINANCIAL)
SERVICES, INC.,)
Defendants.)

**AFFIDAVIT OF
CLARENCE E. BRIGGS III
Verifying Plaintiff's Damages**

CLARENCE E. BRIGGS III, after being first duly sworn, deposes and says as follows:

1. I am Clarence E. Briggs III. I am over the age of eighteen and I am competent to provide this affidavit.
2. I am the Chief Executive Officer of Advanced Internet Technologies, Inc. (“AIT”), plaintiff in this matter, and have held this position continuously since 1996.
3. I am familiar with the facts, transactions, and occurrences that are the basis of AIT’s claims in this matter. As for those matters of which I do not have personal knowledge, I have reviewed the documents and business records produced to Defendants.
4. I hereby affirm and verify that what has been produced to Dell is a complete disclosure of the amount of AIT’s damages. To date, AIT has produced or will produce within the week all documents known to AIT to support or refute these damages. AIT will continue to produce documents supporting or refuting these claimed damages as is appropriate as discovery continues in this matter.
5. Specifically, AIT’s answers in previous productions that constitute disclosure AIT’s damages are:

- a. Interrogatories No. 1, No. 4, No. 5, No. 9, No. 10 and No. 11: reference damages and/or persons with knowledge of damages in narrative form;
- b. Interrogatory No. 2: Narrative as well as documents identified in this response.

For Dell's convenience, a list of some of documents that disclose damages are reproduced herein:

- Bates number range AIT 000049 – AIT 000247 (see also AIT 000821 – AIT 001019, AIT 001551 – AIT 001831, AIT 002294 – AIT 002574, AIT 004697 – AIT 004792, AIT 005001 – AIT 005281 & AIT 005282 – AIT 005480) – The fifth column in this table provides the itemization of damages claimed from alleged failure of the AIT Dell OptiPlex Computers (AIT's Damages re: Cancelled Customers' Contracts (table)).
- Bates number range AIT 000248 – AIT 000355 (see also AIT 001020 – AIT 001116, AIT 003896 – AIT 003992, AIT 004668 – AIT 004696 & AIT 004943 – AIT 005000) – The fourth column in this table provides the itemization of damages claimed from the alleged failure of the AIT Dell OptiPlex Computers (AIT's Damages re: Credits Given to Its Customers (Crystal Rpt.)).
- Bates number range AIT 003031 – AIT3097 – Defendants' invoices sent to Plaintiff.
- Bates number range AIT 004274 – AIT 004598 – *DFS v AIT* Complaint (NC Sup.Ct., Wake Co.2008) (w/exhibits).
- Bates number range AIT 004916 – AIT 004941 – *I-CONN v AIT* Complaint (NC Sup.Ct., Wake Co.2007)
- Bates number range AIT 011348 – AIT 011680 – AIT Mediation Documents re: calculation of Its Damages
- Bates number range AIT 015041 - 30551 AIT Customer Tickets
- Bates number range AIT 000407 – AIT 000414 (see also AIT 001179 – AIT 001186, AIT 001991 – AIT 001998 & AIT 006885 – AIT 006892) – (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 000415 – AIT 000417 (see also AIT 001187 – AIT 001189) – (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 002199 – AIT 002232 (see also AIT 002669 – AIT 002674, AIT 002942 – AIT 002975 & AIT 003993 – AIT 004024) – (AIT Log of Returned Dell OptiPlex Computers to Defendants).
- Documentation of some of these calls can be found at Bates number range AIT 005579 – AIT 005580. Some correspondence between the parties can be found at AIT 000001 – AIT 000048, AIT 000773 – AIT 000820, AIT 001864 – AIT 001947, AIT 002060 – AIT 002063, AIT 002193 – AIT 002198, AIT 002240 – AIT 002287, AIT 002608 – AIT 002653, AIT 002686 –

AIT v. Dell

No. 5:07 – CV-426-H

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Verification of Disclosure of Damages

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AIT 002690, AIT 002936 – AIT 002941, AIT 002983 – AIT 003030, AIT 004599 – AIT 004667, AIT 004847 – AIT 004859, AIT 005569 – AIT 005573, AIT 005809 – AIT 005954, AIT 006626 – AIT 006816 & AIT 006853 – AIT 006861.

- Bates number range AIT 003124 – AIT 003688 (see also AIT 003031 – AIT 003097, AIT 004175 – AIT 004237, AIT 004250 – AIT 004273, AIT 005583 – AIT 005586, AIT 005587 – AIT 005590, AIT 005684 – AIT 005707, AIT 006100 – AIT 006123 & AIT 006124 – AIT 006498) – Plaintiff's leasing documents for the AIT Dell OptiPlex Computers;

c. Interrogatory No. 6: Narrative as well as documents identified in this response. For Dell's convenience, a list of some of documents that disclose damages are reproduced herein:

- AIT 000049 – AIT 000247 (AIT's Damages re: Cancelled Customers' Contracts) (see also AIT 000821 – AIT 001019, AIT 001551 – AIT 001831, AIT 002294 – AIT 002574, AIT 004697 – AIT 004792, AIT 005001 – AIT 005281 & AIT 005282 – AIT 005480).
- AIT 000248 – AIT 000355 (AIT's Damages re: Credits Given to Its Customers) (see also AIT 001020 – AIT 001116, AIT 003896 – AIT 003992, AIT 004668 – AIT 004696 & AIT 004943 – AIT 005000).
- Bates number range AIT 000407 – AIT 000414 (see also AIT 001179 – AIT 001186, AIT 001991 – AIT 001998 & AIT 006885 – AIT 006892) – (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 000415 – AIT 000417 (see also AIT 001187 – AIT 001189) – (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 002199 – AIT 002232 (see also AIT 002669 – AIT 002674, AIT 002942 – AIT 002975 & AIT 003993 – AIT 004024) – (AIT Log of Returned Dell OptiPlex Computers to Defendants).
- AIT 011348 – AIT 011680 (AIT Mediation Documents re: Calculation of its Damages)
- Bates number range AIT 015041 - 30551 AIT Customer Tickets
- Bates number range AIT 005579 – AIT 005580.
- Some correspondence between the parties about damages can be found at AIT 000001 – AIT 000048, AIT 000773 – AIT 000820, AIT 001864 – AIT 001947, AIT 002060 – AIT 002063, AIT 002193 – AIT 002198, AIT 002240 – AIT 002287, AIT 002608 – AIT 002653, AIT 002686 – AIT 002690, AIT 002936 – AIT 002941, AIT 002983 – AIT 003030, AIT 004599 – AIT 004667, AIT 004847 – AIT 004859, AIT 005569 – AIT 005573, AIT 005809 – AIT 005954, AIT 006626 – AIT 006816 & AIT 006853 – AIT 006861.
Bates number range AIT 003124 – AIT 003688 (see also AIT 003031 – AIT 003097, AIT 004175 – AIT 004237, AIT 004250 – AIT 004273, AIT 005583 – AIT 005586, AIT 005587 –

AIT 005590, AIT 005684 – AIT 005707, AIT 006100 – AIT 006123 & AIT 006124 – AIT 006498) – Plaintiff's leasing documents for the AIT Dell OptiPlex Computers;

d. Interrogatory No. 7: Narrative as well as documents identified in this response. For Dell's convenience, a list of some of documents that disclose damages are reproduced herein:

Warranties: AIT 004240 – AIT 004249, AIT 004250 – AIT 004273, AIT 005563 – AIT 005566, AIT 005567 – AIT 005568, AIT 005576 – AIT 005578, AIT 005581 – AIT 005582, AIT 005708 – AIT 005745, AIT 005955 – AIT 005959, AIT 005960 – AIT 005961, AIT 005962 – AIT 005963, AIT 005998 – AIT 006019, AIT 006020 – AIT 006030, AIT 006616, AIT 006622 – AIT 006625, AIT 006817 – AIT 006821, AIT 006822 – AIT 006827, AIT 006828 – AIT 006829, AIT 006830 – AIT 006837, AIT 006838 – AIT 006843, AIT 006844 – AIT 006850 & AIT 006851 – AIT 006852 Breach of Warranties: AIT 004175 – AIT 004237, AIT 004250 – AIT 004273, AIT 004274 – AIT 004598, AIT 004599 – AIT 004667, AIT 004847 – AIT 004859, AIT 005563 – AIT 005566, AIT 005567 – AIT 005568, AIT 005576 – AIT 005578, AIT 005581 – AIT 005582, AIT 005708 – AIT 005745, AIT 005809 – AIT 005954, AIT 005955 – AIT 005959, AIT 005960 – AIT 005961, AIT 005962 – AIT 005963, AIT 005998 – AIT 006019, AIT 006020 – AIT 006030, AIT 006124 – AIT 006498, AIT 006616, AIT 006622 – AIT 006625, AIT 006817 – AIT 006821, AIT 006822 – AIT 006827, AIT 006828 – AIT 006829, AIT 006830 – AIT 006837, AIT 006838 – AIT 006843, AIT 006844 – AIT 006850, AIT 006853 – AIT 006861, AIT 006869 – AIT 006884 & AIT 006851 – AIT 006852. Additionally, see the following documents:

- AIT 005579 – AIT 005580. Some correspondence between the parties can be found at AIT 000001 – AIT 000048, AIT 000773 – AIT 000820, AIT 001864 – AIT 001947, AIT 002060 – AIT 002063, AIT 002193 – AIT 002198, AIT 002240 – AIT 002287, AIT 002608 – AIT 002653, AIT 002686 – AIT 002690, AIT 002936 – AIT 002941, AIT 002983 – AIT 003030, AIT 004599 – AIT 004667, AIT 004847 – AIT 004859, AIT 005569 – AIT 005573, AIT 005809 – AIT 005954, AIT 006626 – AIT 006816 & AIT 006853 – AIT 006861
- AIT 003124 – AIT 003688 (see also AIT 003031 – AIT 003097, AIT 004175 – AIT 004237, AIT 004250 – AIT 004273, AIT 005583 – AIT 005586, AIT 005587 – AIT 005590, AIT 005684 – AIT 005707, AIT 006100 – AIT 006123 & AIT 006124 – AIT 006498) – Plaintiff's leasing documents for the AIT Dell OptiPlex Computers – Plaintiff's leasing documents for the AIT Dell OptiPlex Computers;

e. Interrogatory No. 8: Narrative as well as documents identified in this response. For Dell's convenience, a list of some of documents that disclose damages are reproduced herein:

- Bates number range AIT 000407 – AIT 000414 (see also AIT 001179 – AIT 001186, AIT 001991 – AIT 001998 & AIT 006885 – AIT 006892) (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 000415 – AIT 000417 (see also AIT 001187 – AIT 001189) (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 002199 – AIT 002232 – Plaintiff's logs of its return to AIT Dell defective Dell OptiPlex Computers
- Bates number range AIT 011348 – AIT 011680 – AIT Mediation Documents re: calculation of Its Damages.
- AIT will produce to Dell its Customer Tickets that will have responsive information to this Request. Given its volume in size and the time required to convert this data into electronic searchable format, AIT's production of these Tickets will be ongoing during Discovery
- Bates number range AIT 000345 – AIT 000386 (see also AIT 001117 – AIT 001158 & AIT 004038 – AIT 004079) (AIT's Damages re: Credits Given to Its Customers (AIT Equipment List re: AIT Dell OptiPlex Computers).
- Bates number range AIT 000407 – AIT 000414 (see also AIT 001179 – AIT 001186, AIT 001991 – AIT 001998 & AIT 006885 – AIT 006892) (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 000415 – AIT 000417 (see also AIT 001187 – AIT 001189) (AIT Failure Rate Logs re: AIT Dell OptiPlex Computers).
- Bates number range AIT 002199 – AIT 002232 (see also AIT 002669 – AIT 002674, AIT 002942
- – AIT 002975 & AIT 003993 – AIT 004024) (AIT Log of Returned Dell OptiPlex Computers to Defendants)
- Bates number range AIT 004030 – AIT 004037 – (AIT Production Level Log re: Dell OptiPlex Computers Leases)
- Bates number range AIT 004038 – AIT 004079 – (AIT Equipment List re: Dell OptiPlex Computers Leases)Information concerning whether Dell took any action is within the control or possession of Dell. Subject to the following, see Plaintiff's identification of documents to 8(a) & (b) above.
- Documentation of some of these calls can be found at Bates number range AIT 005579 – AIT 005580. Some correspondence between the parties can be found at AIT 000001 – AIT 000048, AIT 000773 – AIT 000820, AIT 001864 – AIT 001947, AIT 002060 – AIT 002063, AIT 002193 – AIT 002198, AIT 002240 – AIT 002287, AIT 002608 – AIT 002653, AIT 002686 –

AIT 002690, AIT 002936 – AIT 002941, AIT 002983 – AIT 003030, AIT 004599 – AIT 004667, AIT 004847 – AIT 004859, AIT 005569 – AIT 005573, AIT 005809 – AIT 005954, AIT 006626 – AIT 006816 & AIT 006853 – AIT 006861

- Bates number range AIT 000049 – AIT 000247 (see also AIT 000821 – AIT 001019, AIT 001551 – AIT 001831, AIT 002294 – AIT 002574, AIT 004697 – AIT 004792, AIT 005001 – AIT 005281 & AIT 005282 – AIT 005480) – (AIT's Damages re: Cancelled Customers' Contracts (table)).
- (see also AIT 001020 – AIT 001116, AIT 003896 – AIT 003992, AIT 004668 – AIT 004696 & AIT 004943 – AIT 005000) – (AIT's Damages re: Credits Given to Its Customers (Crystal Rpt.)).
- AIT 011348 – AIT 011680 (AIT Mediation Documents re: Calculation of its Damages)
- AIT 032152 – 032230 (Dell Hardware Failure Logs detailing warranty claims);

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response; f. Request for Production of Documents No. 1: see Interrogatory responses;
g. Request for Production of Documents No. 4: see Interrogatory No. 2
response; h. Request for Production of Documents No. 8: see Interrogatory No. 6
i. Request for Production of Documents No. 9: see AIT 015041 – AIT
30551; j. Request for Production of Documents No. 9: see AIT 001020 – AIT
001116, AIT 003896 – AIT 003992, AIT 004668 – AIT 004696 & AIT 004943 – AIT 005000,
015041 – AIT 30551;
k. Request for Production of Documents No. 21 and No. 22: see AIT
015041 – AIT 30551, AIT 011348 – AIT 011680; and,
l. Request for Production of Documents No. 24: Damages incurred
advertising the dedicated hosting plans: see AIT 37113 - AIT 37136; AIT 15025; AIT 14856 –
AIT 14875.

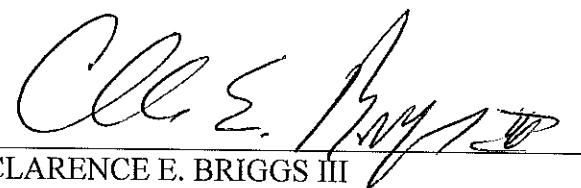
6. That AIT's total damages as disclosed to Dell are as follows:

- a. Cusomer Credits: \$ 166,000
- b. Cancelled Contracts: \$16,729,707
- c. Good Will/Opp Cost: \$ 8,498,190
- d. Increased Labor: \$ 1,147,208
- e. Paid for bad Dells, Switches: \$ 1,434,703

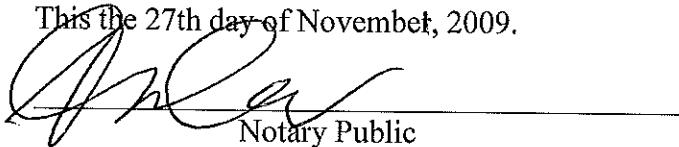
f. Packing reclaim costs \$ 6,500
g. Outside legal fees (as of 1/09) \$ 31,004
h. I-Conn Legal fees (as of 1/09) \$ 179,000
i. I-Conn potential loss \$ 500,000
j. Internal legal fees (as of 1/09) \$ 240,000
k. Storage of bad Dells \$ 40,000
l. Advertising Costs \$ 2,269,459

Further, affiant sayeth not.

This the 27th day of November, 2009.


CLARENCE E. BRIGGS III

SWORN TO AND SUBSCRIBED BEFORE ME
This the 27th day of November, 2009.


Notary Public

My Commission Expires: 1-6-2014

